

VZCZCXRO9646
OO RUEHBC RUEHDH RUEHKUK RUEHROV
DE RUEHAM #0252/01 0261502
ZNY SSSSS ZZH
O 261502Z JAN 10 ZDS
FM AMEMBASSY AMMAN
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6772
INFO RUEHEE/ARAB LEAGUE COLLECTIVE

S E C R E T SECTION 01 OF 02 AMMAN 000252

C O R R E C T E D C O P Y (CHANGE TO PARA #3)

SIPDIS

FOR DRL AND NEA-PRESS

E.O. 12958: DECL: 01/25/2020
TAGS: [PGOV](#) [KDEM](#) [SOCI](#) [JO](#)
SUBJECT: JORDAN: COURT RULING THREATENS FREEDOM OF
EXPRESSION/PRESS

REF: 09 AMMAN 1423

AMMAN 00000252 001.3 OF 002

Classified By: Ambassador R. Stephen Beecroft for reasons 1.4(b) and (d).

¶1. (S) Summary: Journalists and non-governmental organizations are up in arms about a ruling by Jordan's highest court subjecting online media to the country's Press and Publications Law (PPL). Non-governmental organizations and journalists assert the government will use the ruling to curb the dozens of Jordanian news sites (and possibly blogs, Facebook, and Tweets) that write on "taboo" topics not covered elsewhere and encourage reader commentary. The Minister for Media Affairs publicly stated that the court's decision was "precedent and "must be respected." The Chief of the Royal Court and the King's media advisor told the Ambassador that the Court's ruling was unwelcome and that the government planned to pass in the near future a criminal cyber security law based on international standards, as well as replace the PPL once a new elected Parliament was in place. End Summary.

¶2. (SBU) On January 19, nineteen of Jordan's online news sites publicly threatened to take measures to oppose the Court of Cassation recent ruling that subjects online media to the country's Press and Publication Law (PPL), as passed in 1998 and most recently amended in 2007. The onlines threatened publishing boycotts and the issuance of blacklists of government officials and private individuals deemed adversaries of online media.

¶3. (C) The Court of Cassation ruling stems from a case between plaintiff and editor Ahmad Salamah of the now-defunct weekly Al Hilal newspaper and defendants Samir Hiyari of Ammunews.com and Sakhr Abu-Anzah of Rumonline.net. In 2008, Salamah brought suit against the defendants for defamation, citing the Press and Publications Law. The PPL stipulates damages of JD 500 - 1,000 (\$700 - \$1,400) for "publishing material that harms the dignity and personal freedoms of individuals, or any material that includes false information or rumors about them." The Court of First Instance ruled that onlines were not subject to the Press and Publications Law and the Court of Appeals subsequently upheld that verdict. In mid-2009, however, Salamah's lawyer requested the Minister of Justice to refer the case to Jordan's highest court, the Court of Cassation. The Minister signed off on the request in 2009, according to the Center for Defending the Freedom of Journalists' Nidal Mansour, and the Court of Cassation ultimately ruled that the PPL did in fact apply to this case.

¶4. (C) The Court of Cassation's decision was made known in mid-January in an announcement by Minister of State for Media Affairs and Communications Nabil Sharif to four Arabic

dailies, according to Ammun editor Basil Okoor. (Note: Okoor is scheduled to participate in the March 6-20 International Visitors program, "The Role of Media in U.S. Foreign Policy.") Sharif told the Jordan Times on Jan. 14 that "the court's decision has set a precedent and must be respected."

15. (C) While NGOs and journalists admit most online sites fail to follow professional standards, they also assert the government will use the court decision to silence discussion of "taboo" topics. Since their emergence around five years ago, online news sites and blogs have enjoyed a relatively large margin of freedom in reporting and publishing reader commentary. (Note: In a 2009 survey 94 percent of journalists in Jordan reported exercising self censorship. Related to that is Freedom House's 2009 report on Jordan deemed "not free" in terms of freedom of the press. End Note.) In discussions with Info Officer, online editors have pointed to their ability to report, for example, on police brutality and tribal unrest, which previously went uncovered by other media. Their reporting has encouraged print media to expand its coverage to these topics, online editors have asserted. Online editors have also cited reader commentary as contributing to public debate on controversial issues, although they admit that readers rapidly resort to insults and threats during these discussions.

16. (C) The court ruling threatens to squelch the emergence of online debates, according to two media non-governmental organizations, as well as journalist contacts. The head of the implementing partner for USAID's media strengthening project, Francesca Sawalha of the International Research & Exchanges Board (IREX), told Info Off that the PPL is not in accordance with international standards for freedom of expression for several reasons, including that it:

--requires journalists to be members of the Journalists Professional Association;

AMMAN 00000252 002.3 OF 002

Classified By: Ambassador R. Stephen Beecroft for reasons 1.4 (b) and (d).

--defines who can be an editor;

--enumerates a long list of "taboo" topics, including: disparaging the King and the Royal family; harming national unity; insulting heads of Arab, Islamic, or friendly states; shaking confidence in the national currency; and inciting strikes, sit-ins, or public gatherings in violation of the provisions of the law.

--broadly defines publications as "any media in which meanings, words or ideas are expressed in any way whatsoever."

17. (C) Sawalha and others stated the press law's vague definition of media, its fines, and the risk of lengthy court cases could affect freedom of speech on blogs, Facebook, Tweets and even e-mails and SMS messages. In a Jan. 13 press release, the London-based human rights organization, Article 19, asserted that the court's decision "empowers authorities to prosecute or impose fines on journalists, bloggers and editors for publishing online material that may be deemed offensive or imply criticism of the government, national unity or the economy." The head of Jordan's Center for Defending the Freedom of Journalists, Nidal Mansour, speculated that the law would result in a doubling of court cases against journalists, which currently stands at forty-five.

18. (S) Chief of the Royal Court Nasser Lozi and media advisor Ayman Safadi told the Ambassador on Jan. 20 that the Court's ruling was unwelcome and that the government planned to pass in the near future a criminal cyber security law based on international standards that would supersede it.

They acknowledged that the PPL was flawed, asserted it would not apply to blogs or Tweets, and said they planned to replace it once a new elected Parliament was in place. Separately, the Minister of Information and Communication Technology Marwan Juma told USAID Mission Director that he and the PM opposed the current Press and Publications law, but blamed its passage on a previous administration. He asserted, however, that media should not "bad mouth the King" and called on journalists to be responsible.

19. (C) Comment: Whether or not the King or the new government of PM Samir Rifai were behind the ruling in an effort to stifle online debate, many in Jordan believe that they were. Rumors have been running rampant since the summer that the King is angered by potentially divisive online reporting and commentary, for instance on possible Jordanian concessions in any Israeli-Palestinian peace deal (reftel). Rumors also speculate that Minister of Justice Ayman Odeh signed off on the Court of Cassation's examination of the Salamah vs. Ammun and Rumonline because he was angered about online reporting and comments suggesting his teenage son's death in a high-speed car crash was God's punishment for reckless behavior. The Embassy has no reason to believe this latter rumor is true. Nonetheless, the rumors reflect public perception, which will be further shaped by whether and how the government enforces the new ruling and whether it passes new legislation. Until that time, the threat of court cases and fines under the law will almost certainly have a chilling effect on discussions in online media.
Beecroft